

LAWRENCE A. ORGAN (SBN 175503)
larry@civilrightsca.com
MARQUI HOOD (SBN 214718)
marqui@civilrightsca.com
CIMONE A. NUNLEY (SBN 326915)
cimone@civilrightsca.com
CALIFORNIA CIVIL RIGHTS LAW GROUP
332 San Anselmo Avenue
San Anselmo, California 94960
Telephone: (415)-453-7352
Facsimile: (415)-785-7352

J. BERNARD ALEXANDER (SBN 128307)
balexander@amflp.com
ALEXANDER MORRISON & FEHR LLP
1900 Avenue of the Stars, Suite 900
Los Angeles, California 90067
Telephone: (310) 394-0888
Facsimile: (310) 394-0811

Attorneys for Plaintiff,
OWEN DIAZ

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

OWEN DIAZ,
Plaintiff,
v.
TESLA, INC. dba TESLA MOTORS, INC.;
Defendant.

MICHAEL RUBIN (SBN 80618)
mrubin@altber.com
JONATHAN ROSENTHAL (SBN 329638)
jrosenthal@altber.com
ALTSHULER BERZON LLP
177 Post Street, Suite 300
San Francisco, California 94108
Telephone: (415) 421-7151
Facsimile: (415) 362-8064

DUSTIN L. COLLIER (SBN 264766)
dcollier@collierlawsf.com
V. JOSHUA SOCKS (SBN 303443)
jsocks@collierlawsf.com
ELIZABETH R. MALAY (SBN 336745)
emalay@collierlawsf.com
DREW F. TETI (SBN 267641)
drew@collierlawsf.com
COLLIER LAW FIRM, LLP
240 Tamal Vista Blvd. Suite 100
Corte Madera, CA 94925
Telephone: (415) 767-0047
Facsimile: (415) 767-0037

Case No. 3:17-cv-06748-WHO

**DECLARATION OF CIMONE NUNLEY
IN SUPPORT OF PLAINTIFF'S
MOTION FOR MISTRIAL**

Trial Date: March 27, 2023
Complaint filed: October 16, 2017

1 I, CIMONE A. NUNLEY, hereby declare:

2 1. I am an attorney licensed to practice law in the State of California. I am an
3 attorney with the law firm of California Civil Rights Law Group, attorneys of record for Plaintiff
4 Owen Diaz in this action. I have personal knowledge of the facts stated herein and if called upon
5 to testify, I could and would competently testify thereto, except as to those matters that are stated
6 upon information and belief. I hereby submit this declaration in support of Plaintiff's motion for
7 mistrial.
8

9 2. Attached hereto as **Exhibit A** is a true and correct copy of a proffer of proposed
10 testimony submitted by counsel for Defendant Tesla, Inc. and this Court during trial on this
11 matter on March 30, 2023.
12


13 3. Attached hereto as **Exhibit B** is a true and correct copy of an email from counsel
14 for Defendant Tesla, Inc. in this matter confirming Defendant's intention to abide by the parties'
15 stipulations in the original trial on this matter.
16

17 4. Attached hereto as **Exhibit C** is a true and correct copy of excerpts from the
18 deposition of Michael Wheeler in this matter.

19 I declare under penalty of perjury under the laws of the United States of America that the
20 foregoing is true and correct. Executed on March 31, 2023 in San Anselmo, California.
21

22 CALIFORNIA CIVIL RIGHTS LAW GROUP
23 ALEXANDER MORRISON + FEHR LLP
24 ALTSHULER BERZON LLP
25 COLLIER LAW FIRM, LLP

26 DATED: March 31, 2023



27 Attorney for Plaintiff OWEN DIAZ
28